



## Legislation Details (With Text)

**File #:** CPC PUZ 13-00138 **Version:** 3 **Name:**  
**Type:** Ordinance **Status:** Mayor's Office  
**File created:** 5/29/2019 **In control:** City Council  
**On agenda:** 10/8/2019 **Final action:** 10/8/2019  
**Title:** Ordinance No. 19-67 amending the Zoning Map of the City of Colorado Springs relating to 43.72 acres located northeast of Powers Boulevard and Dublin Boulevard establishing the PUD (Planned Unit Development; Mixed Commercial, Residential, Religious Institution; maximum residential density 20 DU/AC; 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district.  
(Legislative)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

**Presenter:**  
Katie Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

### Sponsors:

**Indexes:** Annexation

### Code sections:

**Attachments:** 1. ZC\_ORD\_ChurchforAllNations, 2. Exhibit A\_CFAN\_Zoning Legal, 3. Exhibit B\_CFAN\_Zoning Exhibit, 4. FIGURE 5\_Surrounding Zoning, 5. 7.5.603.B Findings - ZC, 6. 7.3.603 Establishment & Development of a PUD Zone, 7. Signed Ordinance 19-67.pdf

Date	Ver.	Action By	Action	Result
10/8/2019	2	City Council	finally passed	Pass
9/24/2019	2	City Council		
9/24/2019	2	City Council	approved on first reading	Pass
6/20/2019	1	Planning Commission	referred	Pass

Ordinance No. 19-67 amending the Zoning Map of the City of Colorado Springs relating to 43.72 acres located northeast of Powers Boulevard and Dublin Boulevard establishing the PUD (Planned Unit Development; Mixed Commercial, Residential, Religious Institution; maximum residential density 20 DU/AC; 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district.  
(Legislative)

Related Files: CPC A 13-00004, CPC A 13-00004R, CPC PUZ 13-00138, CPC PUP 13-00139

**Presenter:**  
Katie Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

### Summary:

Owners: CFN THC Inc.

Consultant: Classic Consulting Engineers & Surveyors

Location: Northeast corner of Powers Boulevard and Dublin Boulevard

This project includes concurrent applications for annexation, establishment of zoning, and concept plan for the associated 52.78 acres located northeast of Powers Boulevard and Dublin Boulevard. The concept plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish a PUD (Planned Unit Development) zone district for a mix of commercial and residential development; with the overall annexation of 52.78 acres.

### **Previous Council Action:**

City Council accepted the original petition for annexation of this property in April 2013 which authorized further processing of the annexation through the City Land Use Review process. A resolution setting the City Council hearing date of September 24, 2019 was heard and passed on the August 27, 2019 City Council agenda.

City Council heard official testimony with a public hearing for the associated items on September 24, 2019. Some questions were raised about the allowable 75-foot height architectural feature allowance with the zoning district establishment. Staff would clarify that with the establishment of a Planned Unit Development zoning district City Code allows for the establishment of building height and additional allowance one of which could include detailed language for architectural features added height allowance. City Council voted 7-1-1 (Councilwoman Avila opposed; Councilman Williams absent) for the annexation and further voted 6-2-1 ( Councilwoman Avila and Councilman Murray opposed; Councilman Williams absent) for the zoning establishment and concept plan for an overall approval of the associated items.

### **Background:**

The Church for All Nations Addition No. 1 Annexation will annex 52.78 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for a mix commercial and residential uses to be developed within the City and utilizing city infrastructure. This annexation will also annex a portion of Templeton Gap Road north of Dublin Boulevard which is a critically important roadway in the area.

Land owners seeking voluntary annexation must petition the municipality to request annexation into the City. The Annexation Petition for this property was heard and accepted by City Council in April 2013. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures which municipalities must follow. A property is eligible for annexation if the contiguity requirement is met; not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality.

As the City has expanded enclaves, remnants of land that are surrounding by the City, have remained within the jurisdiction of Unincorporated El Paso County. Several enclaves remain from the City's very active period of annexation in the 1980's. City Policy supports the elimination of enclaves and thus closing the gap to services being provided. Surrounding areas as part of this enclave have been recently annexed, or are currently in review for annexation. As supported by PlanCOS as well as the City Annexation Plan the City is working through the annexation process to completely annex this enclave and close the city boundary gap. Further details are included in the associated staff report and a map depicting recent annexations.

A master plan is required with annexation; however, per City Code section 7.5.403(B)(1) this requirement may be waived if the land area under review is a small parcel and is part of an enclave with a well-established surrounding development pattern and intended for a single primary land use. The owner has identified future intentions for mixed commercial and residential development. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern. Similarly, surrounding annexations in the area have recently been annexed without the master plan requirement as we begin to fill in this small enclave with a well-established land use pattern. The supporting concept plan also captures a similar level of detail as would a master plan and clearly identifies the intended land use configuration.

This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Inclusion process is being completed with the Bureau of Reclamation. A final Letter of Assent will be required prior to this annexation application moving forward to City Council.

The proposed zoning request will establish a Planned Unit Development (PUD) zoning district for the entirety of the annexing acres. It is required by City Code that any annexed property be accompanied by a zoning designation. The subject property is proposed to establish a PUD zoning that will allow for a Mixed Commercial, Residential, and Religious Institution zone district with maximum residential density of 20 DU/AC (dwelling units per acre) with 45-feet maximum building height and 75-feet for architectural features. The property is also within the City Airport Overlay and will be established with this overlay zoning. When establishing a PUD zoning district the governing PUD zoning shall establish the type, density, and allowable building height. This PUD zone district will be governed by the associated Church for All Nations PUD Concept Plan which details the dimensional requirements.

City Code section 7.5.501(B)(1) requires the minimum of a concept plan accompany an application for the establishment of a zone district with the exemption per City Code section 7.5.501(C)(1) for the establishment of a zone district including A (Agricultural). In this instance the owner has chosen to propose the PUD zoning and establish an accompanying concept plan that illustrates the proposed schematic layout for future development of mixed religious use, commercial and residential. The detail of the concept plan are further explained in the accompanying staff report for this project.

The final annexation agreement is attached as part of this memo as Figure 1 of this memo. Dedication and improvements with this annexation are fully outlined in the agreement and follow the City standard annexation agreement. The owner is required to participate financially in needed traffic control devices on surrounding roadway. The standard Police and Fire service fees will be collected.

This property has completed required inclusion into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. Inclusion was approved on June 6, 2019, this decree and Letter of Assent were issued by the Bureau of Reclamation and attached as Figure 2.

Under Section 31-12-108.5 C.R.S an Annexation Impact Report must be prepared and submitted to the Clerk of the County Commissioners of El Paso County 25 days prior to an annexation hearing if the property is more than 10-acres in size. Since the subject property is 52.78 acres staff has completed this report and submitted to the regulating agencies required.

The objective for annexation, as identified in the current Comprehensive Plan, is to benefit the City

and occur in a manner that ensures a logical extension of the City's boundary. The proposed development allows for logical extension of City utilities with logical opportunity for commercial and residential growth while serving to close the gap to services as part of an enclave. The proposed development can be seen as a potential activity center that will serve the large Colorado Springs community. Although PlanCOS purposefully does not include site-specific map-based recommendations regarding land use or annexations, there are areas of alignment between the Plan and this proposed annexation and land use to allow expansion of an existing religious institution and further development of a commercial node with supporting higher density residential. Further details of compliance with PlanCOS are detailed in the associated staff report.

The proposed application support the City's strategic goals to promote a mixed land use pattern and establish new development that is compatible and mutually supportive of one another. The establishment of the proposed land uses will support an integrated neighborhood that is compatible with the surrounding land uses and will complement the character of adjacent land uses. In addition the annexation supports the City's strategic policy for potential annexation areas that are likely to be incorporated by the City.

#### **Financial Implications:**

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on June 24, 2019. The FIA states that there were some departments that projected identifiable increases in the marginal costs of providing services to this development, although the area is currently being serviced by public safety agencies, and most surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. However, the result of the FIA is a positive cumulative cash flow for the City during the 10-year timeframe. The Summary of Expenditures and Revenues is included as Figure 3 of the staff report, along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues.

#### **Board/Commission Recommendation:**

These items were heard before the City Planning Commission on June 20, 2019 at which the commission made motion with a vote of 5-0-4 (Absent: Chair McDonald, Commissioner Hente, Commissioner McMurray and Commissioner Eubanks) for recommendation of approval for the annexation, zone change and concept plan.

#### **Stakeholder Process:**

The public notification process consisted of providing notice to neighbors by posting for the project on site and sending postcards to 325 property owners within 1000-foot of the project site. No comment letters of opposition were received. A second mailing will be sent to this same buffer prior to the public hearing. This item was heard before City Planning Commission with no citizens in attendance as supporters or opponents of this item.

Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 20, Police and E-911, and El Paso County Development Services. Comments were sent to El Paso County Development Services Division but no comments were received. This area is outside of the military buffer for the review from USAFA and as such was not reviewed by their division.

#### **Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

**CPC PUZ 13-00138 - ESTABLISHMENT OF ZONING**

Adopt an ordinance for the establishment of the PUD (Planned Unit Development; Mixed Commercial and Residential, maximum residential density 20 DU/AC, 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

An ordinance amending the Zoning Map of the City of Colorado Springs relating to 43.72 acres located northeast of Powers Boulevard and Dublin Boulevard establishing the PUD (Planned Unit Development; Mixed Commercial, Residential, Religious Institution; maximum residential density 20 DU/AC; 45-feet maximum building height with 75-feet for architectural features with Airport Overlay) zone district.